

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Rick Shawn,  
Petitioner  
v.  
D.W. Neven, et al.,  
Respondents

2:14-cv-00738-JAD-PAL

## Order Granting Motions for Extension of Time, Denying Motion to Withdraw as Counsel Without Prejudice, and Setting Briefing Schedule

[ECF Nos. 29, 30, 31]

10 After unsuccessfully moving for appointment of counsel, 2254 petitioner Rick Shawn  
11 retained counsel, who filed a motion to amend Shawn's pro se petition.<sup>1</sup> Shawn's counsel has now  
12 filed two unopposed motions to extend the time to file an amended petition<sup>2</sup> and moves to withdraw  
13 as attorney.<sup>3</sup> I extend the deadline to file an amended petition to August 2, 2016, and deny counsel's  
14 motion to withdraw as attorney without prejudice to his ability to renew his motion after the petition  
15 is filed.

16 In support of his request to withdraw, Shawn’s counsel represents that Shawn has failed to  
17 pay him and that continued representation in this matter imposes an unreasonable financial burden.  
18 Though I am not unsympathetic to counsel’s plight, judicial efficiency and Shawn’s interests will be  
19 best served if counsel prepares and files Shawn’s amended petition before being permitted to  
20 withdraw in this action.<sup>4</sup> I therefore deny counsel’s motion to withdraw without prejudice to his  
21 ability to renew his motion after the amended petition has been filed.

22 In support of his extension requests, Shawn's counsel cites to the complexity of the case and  
23 the lack of time and necessary resources he has to devote to this case. I grant Shawn's unopposed

25 || <sup>1</sup> ECF No. 26.

26 | <sup>2</sup> ECF Nos. 29, 31.

27 || <sup>3</sup> ECF No. 30.

<sup>28</sup> <sup>4</sup> See NV ST RPC Rule 1.16(b)(1), (c) and (d).

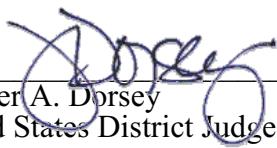
1 requests to extend the time to file an amended petition to **August 2, 2016**. But in light of the length  
2 of the extension, this will be the last extension given absent a showing of extraordinary  
3 circumstances.

4 Accordingly, IT IS HEREBY ORDERED that **counsel's motion to withdraw [ECF No. 30]**  
5 is **DENIED without prejudice**.

6 IT IS FURTHER ORDERED that **Shawn's motions for extensions of time [ECF Nos. 29,**  
7 **31] are GRANTED *nunc pro tunc* as of their respective filing dates. The amended petition**  
8 **must be filed by August 2, 2016**, and:

- 9 1. **Respondents have 45 days from the date of service of the petition to file a**  
10 **response.** Respondents are cautioned that any response must comply with the  
11 instructions below, which are issued in accordance with Habeas Rule 4.
- 12 2. Respondents must raise any procedural defenses together in a single, consolidated  
13 motion to dismiss. No procedural defenses should be included with the merits in an  
14 answer. Procedural defenses not included in a motion to dismiss may be deemed  
15 waived.
- 16 3. Respondents are instructed that, in any answer filed on the merits, they must cite to  
17 and address the applicable state-court record, if any, that pertains to that claim. All  
18 state-court records should be filed as exhibits with a separate index that identifies  
19 each by number.
- 20 4.. **Shawn will then have 30 days from the date of service of the answer, motion to**  
21 **dismiss, or other response, to file a reply.**

- 22 6. **The parties must send courtesy copies of all exhibits to the Reno Division of this**  
23 **court:** Clerk of Court Attn: Staff Attorney, 400 S. Virginia St., Reno, NV, 89501.  
24 Courtesy copies may be submitted in paper form or as PDF documents saved to a CD,  
25 as long as each PDF is clearly identified by exhibit number  
26 Dated this 11th day of May, 2016.

27   
28 Jennifer A. Dorsey  
United States District Judge